

State Water Resources Control Board

Division of Drinking Water

May 26, 2015
System No.: 1502383

Mr. Kelly Cecil
Nord Road Water Association
3647 Pacini Street
Bakersfield, CA 93314

**RE: Compliance Order No. 03_12_15R_009
Violation of Title 22, California Code of Regulations, Section 1166555 (a)(1), for 2015
Year**

Dear Mr. Cecil:

Enclosed is a Compliance Order issued to the Nord Road Water Association (Water System) public water system.

The Water System will be billed at the Division's hourly rate (currently estimated at \$126.00) for the time spent on issuing this Citation. The California Health and Safety Code Section 116577 provides that a public water system must reimburse the Division for actual costs incurred by the Division for specified enforcement actions, including but not limited to, preparing, issuing and monitoring compliance with a citation. At this time, the Division has spent approximately 2 hours on enforcement activities associated with this violation.

The Water System will receive a bill sent from the Division of Drinking Water Fee Billing Unit in August of the next fiscal year. This bill will contain fees for any enforcement time spent for the current fiscal year.

If you have any questions regarding this letter and the enclosed citation, please contact Cristina Knudsen or me at (559) 447-3300.

Sincerely,



Tricia A. Wathen, P.E.
Senior Sanitary Engineer, Visalia District
SOUTHERN CALIFORNIA BRANCH
DRINKING WATER FIELD OPERATIONS

TAW/CNK
Enclosures

cc: Kern County Environmental Health Department (Compliance Order only)
McMor Chlorination, Inc. 6734 Charity Ave., Bay #8, Bakersfield, CA 93308

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2
3 CALIFORNIA
4 STATE WATER RESOURCES CONTROL BOARD
5 DIVISION OF DRINKING WATER

6 IN RE: **NORD ROAD WATER ASSOCIATION**

7 Water System No.: 1502383

8 TO: Mr. Kelly Cecil
9 Nord Road Water Association
10 3647 Pacini Street
11 Bakersfield, CA 93314

12 Cc: Kern County Environmental Health Department (w/o attachments)
13 McMor Chlorination, Inc.
14

15 COMPLIANCE ORDER NO. 03_12_15R_009
16 FOR
17 VIOLATION OF HEALTH AND SAFETY CODE SECTION 1166555 (a)(1)
18 AND THE PRIMARY DRINKING WATER STANDARD FOR ARSENIC

19
20 Issued: May 26, 2015

21 The State Water Resources Control Board (hereinafter "Board"), acting by and
22 through its Division of Drinking Water (hereinafter "Division") and the Deputy Director
23 for the Division (hereinafter "Deputy Director"), hereby issues this compliance order
24 (hereinafter "Order") pursuant to Section 116655 of the California Health and Safety
25 Code (hereinafter "CHSC") to Nord Road Water Association for violation of CHSC
26 section 116555(a)(1) and Title 22, California Code of Regulations (hereinafter
27 "CCR"), Section 64431.

APPLICABLE AUTHORITIES

CHSC, Section 116555(a)(1) states in relevant part:

- (a) Any person who owns a public water system shall ensure that the system does all of the following:
- (1) Complies with primary and secondary drinking water standards.

CHSC, Section 116655 states in relevant part:

- (a) Whenever the department determines that any person has violated or is violating this chapter, or any permit, regulation, or standard issued or adopted pursuant to this chapter, the director may issue an order doing any of the following:
- (1) Directing compliance forthwith.
 - (2) Directing compliance in accordance with a time schedule set by the department.
 - (3) Directing that appropriate preventive action be taken in the case of a threatened violation.
- (b) An order issued pursuant to this section may include, but shall not be limited to, any or all of the following requirements:
- (1) That the existing plant, works, or system be repaired, altered, or added to.
 - (2) That purification or treatment works be installed.
 - (3) That the source of the water supply be changed.
 - (4) That no additional service connection be made to the system.
 - (5) That the water supply, the plant, or the system be monitored.
 - (6) That a report on the condition and operation of the plant, works, system, or water supply be submitted to the department.

Title 22, CCR, Section 64431 (hereinafter “Section 64431”), states in relevant part:

Public water systems shall comply with the primary MCLs in table 64431-A as specified in this article.

Table 64431-A
Maximum Contaminant Levels
Inorganic Chemicals

<i>Chemical</i>	<i>Maximum Contaminant Level, mg/L</i>
Aluminum	1.
Antimony	0.006
Arsenic	0.010
Asbestos	7 MFL*
Barium	1.
Beryllium	0.004
Cadmium	0.005
Chromium	0.05
Cyanide	0.15
Fluoride	2.0
Hexavalent chromium	0.010
Mercury	0.002
Nickel	0.1
Nitrate (as NO ₃)	45.
Nitrate+Nitrite (sum as	10.
Nitrite (as nitrogen)	1.
Perchlorate	0.006
Selenium	0.05
Thallium	0.002

* MFL=million fibers per liter; MCL for fibers exceeding 10 um in length.

Title 22, CCR Section 64432 (hereinafter “Section 64432”) provides in relevant part:

Section 64432

...

(g) If the level of any inorganic chemical, except for nitrate, nitrite, nitrate plus nitrite, or perchlorate, exceeds the MCL, the water supplier shall do one of the following:

(1) Inform the Department within 48 hours and monitor quarterly beginning in the next quarter after the exceedance occurred; or

(2) Inform the Department within seven days from the receipt of the analysis and, as confirmation, collect one additional sample within 14 days from receipt of the analysis. If the average of the two samples collected exceeds the MCL, this information shall be reported to the Department within 48 hours and the water

supplier shall monitor quarterly beginning in the next quarter after the exceedance occurred.

(h) If the concentration of an inorganic chemical exceeds ten times the MCL, within 48 hours of receipt of the result the water supplier shall notify the Department and resample as confirmation. The water supplier shall notify the Department of the result(s) of the confirmation sample(s) within 24 hours of receipt of the confirmation result(s).

(1) If the average concentration of the original and confirmation sample(s) is less than or equal to ten times the MCL, the water supplier shall monitor quarterly beginning in the quarter following the quarter in which the exceedance occurred.

(2) If the average concentration of the original and confirmation sample(s) exceeds ten times the MCL, the water supplier shall, if directed by the Department;

(A) Immediately discontinue use of the contaminated water source; and

(B) Not return the source to service without written approval from the Department.

(i) Compliance with the MCLs shall be determined by a running annual average; if any one sample would cause the annual average to exceed the MCL, the system is immediately in violation. If a system takes more than one sample in a quarter, the average of all the results for that quarter shall be used when calculating the running annual average. If a system fails to complete four consecutive quarters of monitoring, the running annual average shall be based on an average of the available data.

STATEMENT OF FACTS

The Nord Road Water Association water system (hereinafter "Water System") is a community water system located in Kern County that supplies water for domestic purposes to approximately 32 individuals through approximately 16 service connections. The Water System operates under Domestic Water Supply Permit No. 2383, issued by the Kern County Environmental Health Services Department on September 29, 1979. The Water System is a community public water system as defined in CHSC, section 116275.

1 The Water System utilizes one groundwater well (Well No. 01) as its source of
2 domestic water. Title 22, CCR, Division 4, Chapter 15, Article 4, establishes primary
3 drinking water standards and monitoring and reporting requirements for inorganic
4 constituents. Community and nontransient noncommunity water systems must
5 comply with the maximum contaminant level for arsenic of 0.010 mg/L, as
6 established in Title 22 CCR Section 64431.
7

8 Samples collected from the Water System on September 7, 2007 and February 15,
9 2008, showed arsenic concentrations of 0.017 mg/L and 0.015 mg/L, respectively in
10 Well No. 01. Therefore, in accordance with Section 64431 (g), the Water System
11 was required to begin quarterly arsenic monitoring of Well No. 01. Section 64431 (i)
12 provides that compliance with the arsenic MCL is based on a "running annual
13 average" (RAA) of the quarterly monitoring samples, computed each quarter.
14 Further, Section 64431 (i) states: "if any one sample would cause the annual
15 average to exceed the MCL, the system is immediately in violation." Well No. 01 has
16 consistently exceeded the arsenic MCL since quarterly monitoring began in 2008.
17

18 A summary of the Water System's arsenic monitoring is presented in Table 1 below.
19 All results are as reported to the Division by the laboratory that performed the
20 analysis.
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Table 1: Well No. 01 Arsenic Monitoring Results

Sample Quarter	Sample Date	Well No. 01
3 rd Quarter of 2014	04/17/14	0.016 mg/L
2nd Quarter of 2014	07/03/14	0.014 mg/L
4th Quarter of 2014	10/02/14	0.016 mg/L
1 st Quarter of 2015	01/08/15	0.015 mg/L
1st Quarter 2015 Running Annual Average		0.015 mg/L

The 1st quarter 2015 RAA for Well 01, calculated as the 4 quarterly sample results averaged over a four quarter period, is 0.015 mg/L, which exceeds the arsenic MCL of 0.010 mg/L. Results of samples taken from water produced from Well 01 since 2008 show the RAA for arsenic in said Well continues to exceed the arsenic MCL. Historical arsenic results for Well No. 01 are provided in Attachment D.

The Water System was previously in violation of the Arsenic MCL. Compliance Order No. 03-19-09O-024 was issued to the Water System on January 23, 2009, for that violation. This compliance order replaces and voids Compliance Order No. 03-19-09O-024, and its directives.

DETERMINATIONS

Based on the above Statement of Facts, the Division has determined that the Water System has violated CHSC, Section 116555 and Section 64431 in that the water produced by Well No. 01, during the 1st quarter of 2015, exceeded the arsenic MCL as shown in Table 1 above, and further has determined that said violation has continued from 2008 and through the date of this Order.

DIRECTIVES

Water System is hereby directed to take the following actions:

1. On or before **June 30, 2018**, comply with Title 22, CCR, Section 64431 and remain in compliance.
2. On or before **July 1, 2015**, submit a written response to the Division indicating its agreement to comply with the directives of this Order and with the Corrective Action Plan addressed herein.
3. Commencing on the date of service of this Order, provide quarterly public notification in accordance with Attachment A, hereto, of Water System's failure to meet the arsenic MCL during any calendar quarter that the four-quarter running annual average exceeds the MCL.
4. Commencing on the date of service of this Order, submit proof of each public notification conducted in compliance with Directive No. 3, herein above, within 10 days following each such notification, using the form provided as Attachment B, hereto.
5. Commencing on the date of service of this Order collect quarterly samples for arsenic from each well, as required by Section 64432(g), and ensure that the analytical results are reported to the Division electronically by the analyzing laboratory no later than the 10th day following the month in which the analysis was completed.

- 1 6. Prepare for Division approval a Corrective Action Plan identifying improvements
2 to the water system designed to correct the water quality problem (violation of
3 the arsenic MCL) and ensure that the Water System delivers water to
4 consumers that meets primary drinking water standards. The plan shall include
5 a time schedule for completion of each of the phases of the project such as
6 design, construction, and startup, and a date as of which the Water System will
7 be in compliance with the arsenic MCL, which date shall be no later than **June**
8 **30, 2018**.
9
- 10 7. On or before **August 1, 2015**, present the Corrective Action Plan required
11 under Directive No. 6, above, to the Division in person at the Division's offices
12 located at 265 W. Bullard, Suite 101, Fresno, CA 93704. If desired, Division
13 staff is willing to meet in the Division's Bakersfield Office at 4925 Commerce
14 Drive, Suite 120, Bakersfield, CA 93309.
15
- 16 8. Timely perform the Division approved Corrective Action Plan and each and
17 every element of said plan according to the time schedule set forth therein.
18
- 19 9. On or before **August 10, 2015** and every three months thereafter, submit a
20 report to the Division in the form provided as Attachment C, hereto, showing
21 actions taken during the previous calendar three months to comply with the
22 Corrective Action Plan.
23
- 24 10. Not later than ten (10) days following the date of compliance with the arsenic
25 MCL, demonstrate to the Division that the water delivered by Water System
26 complies with the arsenic MCL.
27

11. Notify the Division in writing no later than five (5) days prior to the deadline for performance of any Directive set forth herein if Water System anticipates it will not timely meet such performance deadline.

All submittals required by this Order shall be addressed to:

Tricia Wathen, Senior Sanitary Engineer
State Water Resources Control Board
Division of Drinking Water, Visalia District
265 W. Bullard Ave, Suite 101
Fresno, CA 93704

As used in this Order, the date of issuance shall be the date of this Order; and the date of service shall be the date of service of this Order, personal or by certified mail, on the Water System.

The Division reserves the right to make such modifications to this Order and/or to issue such further order(s) as it may deem necessary to protect public health and safety. Such modifications may be issued as amendments to this Order and shall be deemed effective upon issuance.

Nothing in this Order relieves Water System of its obligation to meet the requirements of the California SDWA, or any regulation, standard, permit or order issued thereunder.

PARTIES BOUND

This Order shall apply to and be binding upon Water System, its owners, shareholders, officers, directors, agents, employees, contractors, successors, and assignees.

SEVERABILITY

The Directives of this Order are severable, and Water System shall comply with each and every provision hereof, notwithstanding the effectiveness of any other provision.

FURTHER ENFORCEMENT ACTION

The California SDWA authorizes the Board to: issue a citation with assessment of administrative penalties to a public water system for violation or continued violation of the requirements of the California SDWA or any regulation, permit, standard, citation, or order issued or adopted thereunder including, but not limited to, failure to correct a violation identified in a citation or compliance order. The California SDWA also authorizes the Board to take action to suspend or revoke a permit that has been issued to a public water system if the public water system has violated applicable law or regulations or has failed to comply with an order of the Board; and to petition the superior court to take various enforcement measures against a public water system that has failed to comply with an order of the Board. The Board does not waive any further enforcement action by issuance of this Order.



Carl Carlucci, P.E., Chief
Central Valley Section
State Water Resources Control Board
Division of Drinking Water

5-26-2015
Date

Certified Mail No. 7014 3490 0001 7868 9702



1 CLC/TAW/CNK

Attachments:

- 2 A. Public Notification Notice
3 B. Proof of Notification Form
4 C. Quarterly Progress Report Form
5 D. Historical Arsenic Monitoring Results

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IMPORTANT INFORMATION ABOUT YOUR DRINKING WATER

Este informe contiene información muy importante sobre su agua potable.
Tradúzcalo o hable con alguien que lo entienda bien.

Nord Road Water Association Has Levels of Arsenic Above Drinking Water Standards

Our water system recently failed a drinking water standard. Although this is not an emergency, as our customers, you have a right to know what you should do, what happened and what we are doing to correct this situation.

We routinely monitor for the presence of drinking water contaminants. The maximum contaminant level (MCL) for arsenic is 0.010 mg/L. Compliance is based on a running annual average (RAA) of four consecutive quarterly samples for each well. The arsenic RAA for Well No. 01 is _____ mg/L for the _____ [1st, 2nd, 3rd, 4th] quarter of _____ [year].

What should I do?

- **You do not need to use an alternative (e.g. , bottled) water supply.** However, if you have specific health concerns, consult your doctor.
- This is not an emergency. If it had been, you would have been notified immediately. However, *some people who drink water containing arsenic in excess of the MCL over many years may experience skin damage or circulatory system problems, and may have an increased risk of getting cancer.*
- If you have other health issues concerning the consumption of this water, you may wish to consult your doctor.

What happened? What was done?

Nord Road Water Association is evaluating consolidation with Vaughn Mutual Water Company. We anticipate resolving the problem within the next 3 years.

For more information, please contact _____ [insert name of contact] at _____ [insert phone number] or at the following mailing address: [insert mailing address] _____.

Please share this information with all the other people who drink this water, especially those who may not have received this notice directly (for example, people in apartments, nursing homes, schools, and businesses). You can do this by posting this notice in a public place or distributing copies by hand or mail.

Secondary Notification Requirements

Upon receipt of notification from a person operating a public water system, the following notification must be given within 10 days [Health and Safety Code Section 116450(g)]:

- **SCHOOLS:** Must notify school employees, students, and parents (if the students are minors).
- **RESIDENTIAL RENTAL PROPERTY OWNERS OR MANAGERS** (including nursing homes and care facilities): Must notify tenants.
- **BUSINESS PROPERTY OWNERS, MANAGERS, OR OPERATORS:** Must notify employees of businesses located on the property.

This notice is being sent to you by Nord Road Water Association.

Date distributed: _____

Certification of Completion of Public Notification

This form, when completed and returned to the Division of Drinking Water - Visalia District (265 W. Bullard Ave. #101, Fresno, CA 93704 or fax to 559-447-3304), serves as certification that public notification to water users was completed as required by Title 22, California Code of Regulations, Sections 64463-64465.

Public Water System Name: Nord Road Water Association

Public Water System No.: 1502383

Public notification for failure to comply with the Arsenic MCL was conducted on:

(Circle one): 1st 2nd 3rd 4th quarter of _____ (year).

Notification was made on _____ (date).

To summarize report delivery used and good-faith efforts taken, please check all items below that apply and fill-in where appropriate:

☐ The notice was distributed by mail or direct delivery to each customer on: _____

One or more of the following methods were used to reach persons not likely to be reached by a mailing or direct delivery (renters, nursing home patients, prison inmates, etc.):

☐ Posted the notice at the following conspicuous locations served by the water system. (If needed, please attach a list of locations). _____

☐ Publication of the notice in a local newspaper or newsletter of general circulation (attach a copy of the published notice, including name of newspaper and date published).

☐ Posted the notice on the Internet at www. _____

☐ Other method used to notify customers. _____

I hereby certify that the above information is factual.

Certified by: Printed Name _____

Signature _____

Title _____

Date _____

DISCLOSURE: Be advised that Section 116725 and 116730 of the California Health and Safety Code state that any person who knowingly makes any false statement on any report or document submitted for the purpose of compliance with the attached order may be liable for a civil penalty not to exceed five thousand dollars (\$5,000) for separate violation for each day that violation continues. In addition, the violators may be prosecuted in criminal court and upon conviction, be punished by a fine of not more than \$25,000 for each day of violation, or be imprisoned in the county jail not to exceed one year, or by both the fine and imprisonment.

Due to the Division of Drinking Water within 10 days of notification to the public
Arsenic MCL Exceedance / Enforcement Action No.: CO No. 03_12_15R_009

Quarterly Progress Report

Water System:	Nord Road Water Association	Water System No.:	1502383
Compliance Order No.:	03_12_15R_009	Violation:	Arsenic
Calendar Quarter:	Date Prepared:		

This form should be prepared and signed by Water System personnel with appropriate authority to implement the directives of the Compliance Order and the Corrective Action Plan. Please attach additional sheets as necessary. The quarterly progress report must be submitted by the 10th day of each subsequent quarter, to the Division of Drinking Water, Fresno District Office.

Summary of Compliance Plan:

--

Tasks completed in the reporting quarter:

--

Tasks remaining to complete:

--

Anticipate compliance date:

--

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Name

--

Signature

--

Title

--

Date

DATE: 05/19/15
REPORT: R-040/2-3

STATE OF CALIFORNIA
DRINKING WATER PROGRAM

PAGE: 1

DRINKING WATER ANALYSES RESULTS REPORT
ALL SAMPLES FOR SELECTED CONSTITUENTS - ALL RESULTS
FOR SAMPLE DATE RANGE OF 20000101 THRU 20150519
REPORT OF COUNTY: 15 KERN

SYSTEM NO: 1502383 NAME: NORD ROAD WATER ASSOCIATION
SOURCE NO: 001 NAME: WELL 01

COUNTY: KERN
PSCODE: 1502383-001 CLASS: CTGA STATUS: AU

GROUP IDENTIFICATION	SAMPLE					
CONSTITUENT IDENTIFICATION	DATE	RESULT *	MCL	DLR	TRIGGER	UNIT

IO INORGANIC						
01002 ARSENIC	02/15/2008	15.0000 *	10.0000	2.0000	5.0000	UG/L
01002 ARSENIC	04/17/2008	17.0000 *	10.0000	2.0000	5.0000	UG/L
01002 ARSENIC	07/29/2008	16.0000 *	10.0000	2.0000	5.0000	UG/L
01002 ARSENIC	10/10/2008	14.0000 *	10.0000	2.0000	5.0000	UG/L
01002 ARSENIC	01/21/2009	16.0000 *	10.0000	2.0000	5.0000	UG/L
01002 ARSENIC	04/17/2009	15.0000 *	10.0000	2.0000	5.0000	UG/L
01002 ARSENIC	07/24/2009	16.0000 *	10.0000	2.0000	5.0000	UG/L
01002 ARSENIC	10/16/2009	14.0000 *	10.0000	2.0000	5.0000	UG/L
01002 ARSENIC	01/18/2010	15.0000 *	10.0000	2.0000	5.0000	UG/L
01002 ARSENIC	04/18/2010	16.0000 *	10.0000	2.0000	5.0000	UG/L
01002 ARSENIC	07/26/2010	15.0000 *	10.0000	2.0000	5.0000	UG/L
01002 ARSENIC	10/15/2010	14.0000 *	10.0000	2.0000	5.0000	UG/L
01002 ARSENIC	04/28/2011 .	14.0000 *	10.0000	2.0000	5.0000	UG/L
01002 ARSENIC	10/27/2011 .	16.0000 *	10.0000	2.0000	5.0000	UG/L
01002 ARSENIC	02/09/2012 .	14.0000 *	10.0000	2.0000	5.0000	UG/L
01002 ARSENIC	05/24/2012 .	14.0000 *	10.0000	2.0000	5.0000	UG/L
01002 ARSENIC	08/16/2012 .	16.0000 *	10.0000	2.0000	5.0000	UG/L
01002 ARSENIC	10/11/2012 .	18.0000 *	10.0000	2.0000	5.0000	UG/L
01002 ARSENIC	01/03/2013 .	19.0000 *	10.0000	2.0000	5.0000	UG/L
01002 ARSENIC	02/14/2013 .	18.0000 *	10.0000	2.0000	5.0000	UG/L
01002 ARSENIC	04/10/2013 .	16.0000 *	10.0000	2.0000	5.0000	UG/L

NOTE1: * = RESULT IS EQUAL TO OR GREATER THAN TRIGGER

NOTE2: .000 = RESULT WAS REPORTED AS NON-DETECTED EXCEPT FOR RAD

DATE: 05/19/15
REPORT: R-040/2-3

STATE OF CALIFORNIA
DRINKING WATER PROGRAM

PAGE: 2

DRINKING WATER ANALYSES RESULTS REPORT
ALL SAMPLES FOR SELECTED CONSTITUENTS - ALL RESULTS
FOR SAMPLE DATE RANGE OF 20000101 THRU 20150519
REPORT OF COUNTY: 15 KERN

SYSTEM NO: 1502383 NAME: NORD ROAD WATER ASSOCIATION COUNTY: KERN
SOURCE NO: 001 NAME: WELL 01 PSCODE: 1502383-001 CLASS: CTGA STATUS: AU

GROUP IDENTIFICATION	SAMPLE					
CONSTITUENT IDENTIFICATION	DATE	RESULT *	MCL	DLR	TRIGGER	UNIT
01002 ARSENIC	07/11/2013 .	16.0000 *	10.0000	2.0000	5.0000	UG/L
01002 ARSENIC	08/15/2013 .	15.0000 *	10.0000	2.0000	5.0000	UG/L
01002 ARSENIC	10/03/2013 .	12.0000 *	10.0000	2.0000	5.0000	UG/L
01002 ARSENIC	01/09/2014 .	15.0000 *	10.0000	2.0000	5.0000	UG/L
01002 ARSENIC	04/17/2014 .	16.0000 *	10.0000	2.0000	5.0000	UG/L
01002 ARSENIC	07/03/2014 .	14.0000 *	10.0000	2.0000	5.0000	UG/L
01002 ARSENIC	10/02/2014 .	16.0000 *	10.0000	2.0000	5.0000	UG/L
01002 ARSENIC	01/08/2015 .	15.0000 *	10.0000	2.0000	5.0000	UG/L

NOTE1: * = RESULT IS EQUAL TO OR GREATER THAN TRIGGER
NOTE2: .000 = RESULT WAS REPORTED AS NON-DETECTED EXCEPT FOR RAD